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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/085,755	05/27/1998	FRAMPTON ERROLL ELLIS, III	GNC12US	7351
·	590 02/07/2002			
PILLSBURY, MADISON & SUTRO, LLP			EXAMINER	
NINTH FLOO	AL PROPERTY GRO R EAST TOWER	UP	DINH, DUNG C	
	RK AVENUE NW N. DC 200053918	·	ART UNIT	PAPER NUMBER
	.,		2162	

DATE MAILED: 02/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

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	,		2153		

DATE MAILED: 12/05/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

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Application No. Application No. Deptication (No. Deptication (No								
Examiner Dung Dinh 2153		Application No.	Applicant(s)	l l				
Dung Dinh The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. THE MAILING DATE OF THIS COMMUNICATION. The period for reply specified above is less than string (20) stays, a reply with the saturative profilement on they office the considered fined or reply specified above is less than string (20) stays, a reply be timely filed and the considered fined for reply specified above is less than string (20) stays, a reply be timely filed and the considered filed for reply specified above is less than the reply of the specified on the considered filed for reply specified above is less than the specified for specified profile for reply specified and the specified for specified for reply specified and reply in specified and specified for specified for reply specified and reply in specified for the specified for specified for reply specified and replaced filed for reply specified and replaced filed for replaced filed fi	Office Action Commons	09/085,755	ELLIS, III, FRAMPTON	ERROLL				
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extension of the provided from the mailing date of this communication. 136(a). In no event, however, may a reply be timely filed Extension of the provided from the mailing date of this communication. 136(a). In no event, however, may a reply be timely filed Extension of the provided from the mailing date of this communication. 156(a) with a reply self-def of reply specified depose its est ban the mailing date of this communication. 156(b) with the statutory minimum of this (20) days will be considered timely. If NO period for reply is specified ebows, the maintenin statutory period will apply end will imply self-def (20) days will be considered timely. If NO period for reply is specified ebows, the maintenin statutory provided will apply end will imply self-def (20) days will be considered timely. If NO period for reply specified self-def (20) days, and will expect self-def (20) days will be considered timely. A proper provided by the Science is the three maintening date of this scommunication, even if timely filed, may reduce any searned plants time allowance is self-def (20) days will be considered timely. A proper provided timely filed on [0.5eptember 2001. 2a) This action is FINAL. 2b) This action is non-final. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exp parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 9-41 is/are pelocited. 5) Claim(s) 9-41 is/are rejected. 7) Claim(s) 9-41 is/are rejected. 7) Claim(s) 9-41 is/are rejected to self-def (20) days will be considered timely. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The proposed drawing correction filed on is/are: a) accepted or b)— objected to by the Examiner. If approved, corrected drawings are required in reply to this Office ac								
THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 3°CPR 1.13(d), in no event, however, may a reply be timely filed after SIX (6) MONTS from the mailing date of this communication. - If the period for reply specified after one is the six than the (700 d) days, and within the statutory minimum of thirty (30) days will be considered intoly. - Failure to reply valled the time of the more intoly (30) days, and will be considered intoly. - Failure to reply valled the set or extended princed for reply valled by statules, cause the application to become ARANDONED (35 U.S. 0; \$133). - Any reply received by the Office atter than three membring date of this communication, even if timely filed, may reduce any acancel patient term adjustment. See 37°CFA 1.70(b). - Status - This action is FINAL. - 2b) This action is non-final. - Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims - 4) Claim(s) 9-41 is/are pending in the application. - 4a) Of the above claim(s) is/are withdrawn from consideration. - 5) Claim(s) 9-41 is/are rejected. - 7) Claim(s) is/are objected to. - 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9		ears on the cover sheet w	ntn tne correspondence address	; 				
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DETAILED ACTION

Specification

The title of the invention is not descriptive of the claimed invention. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertazzi et al. US patent 5,889,989 and further in view of Hodroff US patent 5,592,376.

As per claim 9, Robertazzi discloses a network server (controller 103) for a network of computers (107,105,109) comprising:

a first mechanism for the network server to function as a master in a shared processing operation, including parallel processing, involving at least two personal computers, connected

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to the network server through the network (114), functioning as slaves to said master (col.1 lines 10-15);

a second mechanism for the master network serer to subdivide the operation into a plularity of parts, and to send one of the parts to each of the slaves for processing by the slaves (col.2 lines 66 - col.3 line 5); and

a compensation determing mechanism to determine compensation for processing service provided by the personal computers in the shared processing operation (col.3 lines 22-42).

Robertazzi does not teaches determining a net charge based not a difference between the monitored amount of processing power provided and the monitored amount of network resource used by the personal computer.

It is known in the art to barter / exchange excess capacity for other goods and services. Hodroff discloses one such system [col.5 lines 16-24, col.2 lines 61-64]. The type of good or service being exchange for the excess capacity clearly would have been a matter of agreement among the participating parties. Since, the user normally must pay for network service. It would have been clearly obvious to barter the excess processing power (i.e. idle computer processing power) in exchange for discount on network access because it would have reduced the cost of the user's network access usage.

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It is basic business practice that a net charge is based on the difference of the amount of credit earned and the amount of credit spend. It is inherent that the system would have a monitoring mechanism to measure the amount of processing power provided from the user and the amount of network access used by the user in order to maintain and calculate the net cost/credit to the user of the personal computer.

As per the various limitaions claimed in 7 to 41: Internet, single chip computer, transmission speed, etc., these limitaions are clearly obvious variation within scope of the prior art teaching. The financial and cost calculations, measurement would have clearly been apparent as a business process of bartering/exchange of computer processing power.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 2100 Customer Service whose telephone number is (703) 306-5631.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, DC 20231

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or faxed to:

(703) 746-7238, (for formal communications intended for entry) (703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA, Fourth Floor (Receptionist).

Dung Dinh

Primary Examiner November 30, 2001 Page 5